



MILPITAS PLANNING COMMISSION STAFF REPORT

August 10, 2016

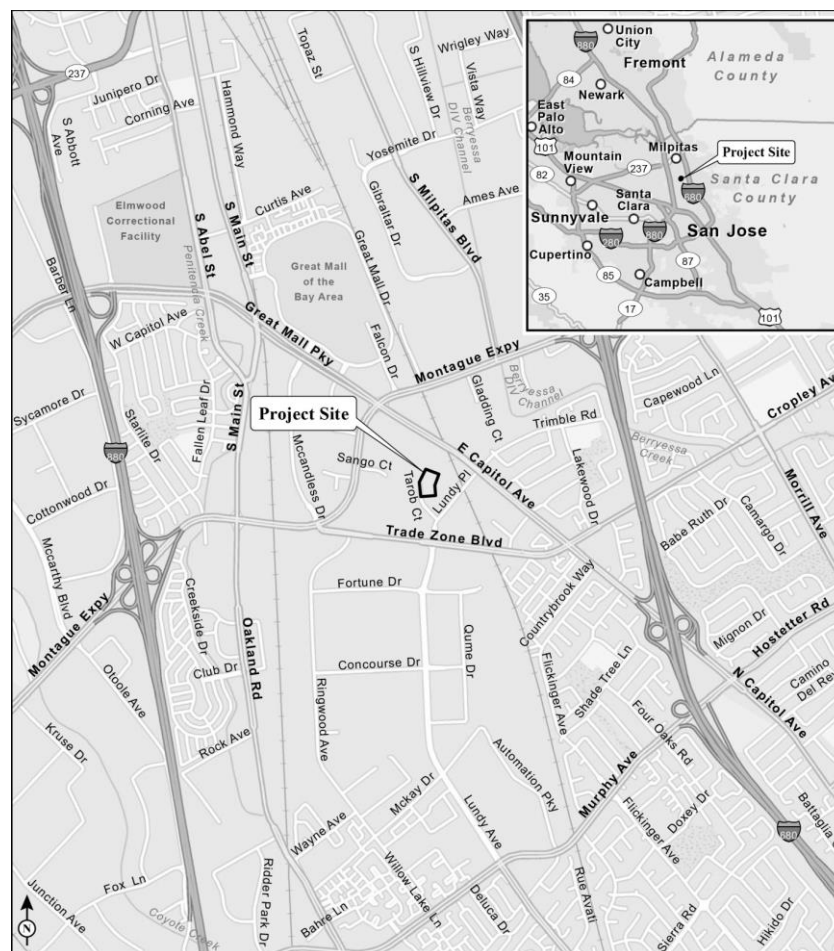
APPLICATION:	1980 TAROB COURT (THE TRUE LIFE COMPANIES) – Site Development Permit No. SD15-0015, Conditional Use Permit No. UP15-0020, Vesting Tentative Map No. MT15-0013 and Environmental Assessment No. EA16-0003 – A request for approval of a Site Development Permit, a Conditional Use Permit, a Vesting Tentative Map for condominium purposes and an Environmental Assessment for the construction of 59 townhomes and associated site improvements including the demolition of a light industrial building.
RECOMMENDATION:	Staff recommends that the Planning Commission adopt Resolution No. 16-031 recommending approval of Site Development Permit No. SD15-0015, Conditional Use Permit No. UP15-0020, Vesting Major Tentative Map No. MT15-0013 and Environmental Assessment EA16-0003 to the City Council, subject to the attached Conditions of Approval.
LOCATION:	
Address/APN:	1980 Tarob Court (APN 086-036-040)
Area of City:	Transit Area Specific Plan (TASP)
PEOPLE:	
Project Applicant:	Leah Dreger, Entitlement Manager, The True Life Companies
Consultant(s):	Scott Prickett, SDG Architects Wood Rodgers, Civil Engineers
Property Owner:	SNB, LLC
Project Planner:	Neal Martin, Contract Planning Consultant
LAND USE:	
General Plan Designation:	High Density Transit Oriented Residential (HD-TOR)
Zoning District:	Multiple Family - High Density (R-3)
Overlay District:	Transit Oriented Development (TOD)
Specific Plan:	Transit Area Specific Plan (TASP)
TASP Land Use Designation:	High Density Transit Oriented Residential (HD-TOR)
Site Area:	2.81 acres (2.60 acres plus 0.21 acre R/W abandonment)

ENVIRONMENTAL: Categorically exempt from further environmental review pursuant to Section 15168(c)(2) of the California Environmental Quality Act (CEQA). This project is consistent with the program addressed by the Transit Area Specific Plan EIR.

EXECUTIVE SUMMARY

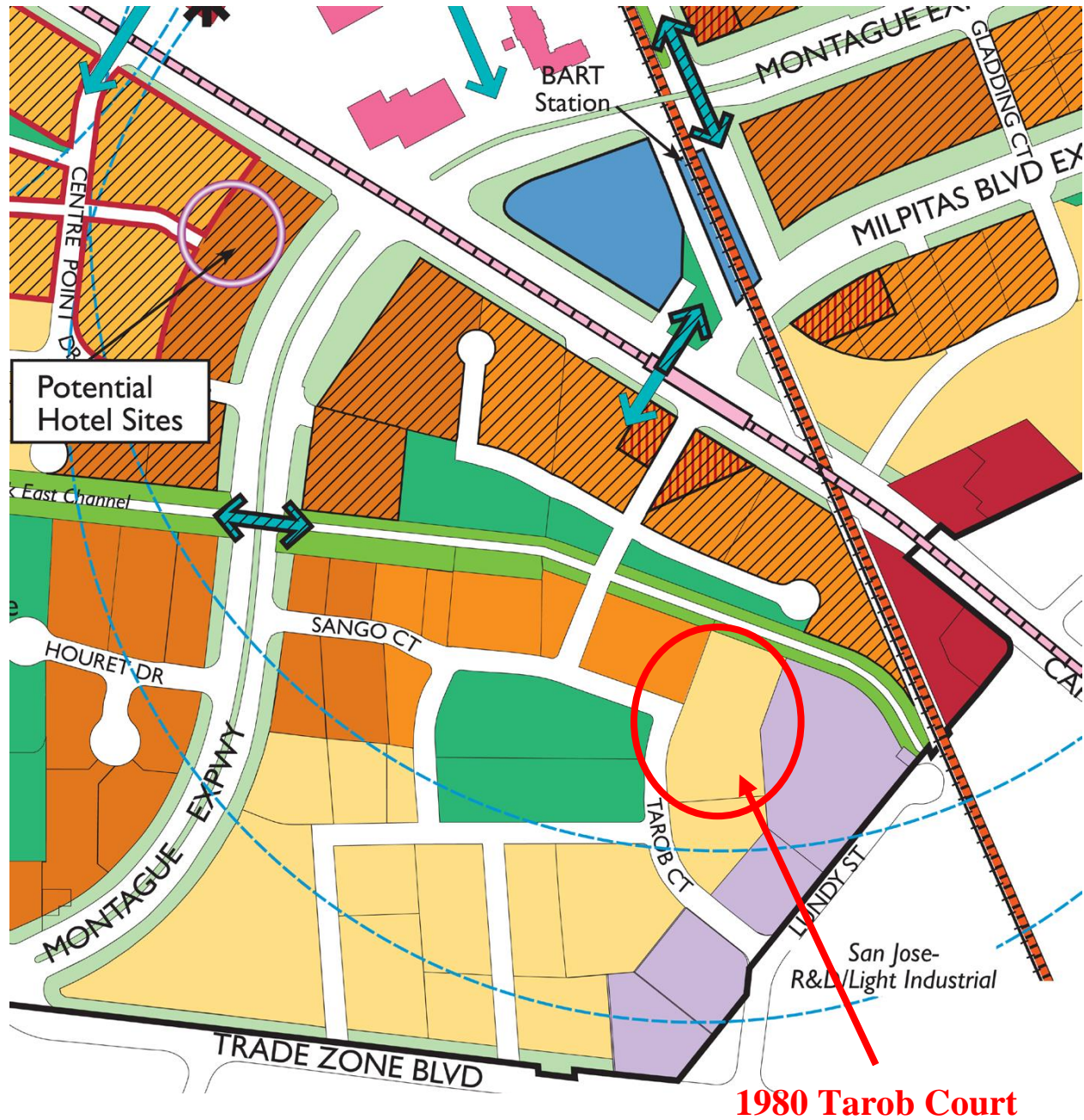
The proposed project includes entitlement requests for the construction of 59 new townhome units. Parking would be provided onsite with the inclusion of two covered, attached parking spaces per unit, as well as 19 additional guest parking spaces onsite. The project also includes a variety of site improvements including new private streets within the development; streetscape and landscape improvements along Tarob Court; Penitencia Creek East Trail dedication and improvements; and stormwater treatment, utility, grading and other associated site improvements. The project would require approval of a Site Development Permit, a Conditional Use Permit, a Vesting Major Tentative Map and Environmental Assessment.

Map 1 **Project Location**

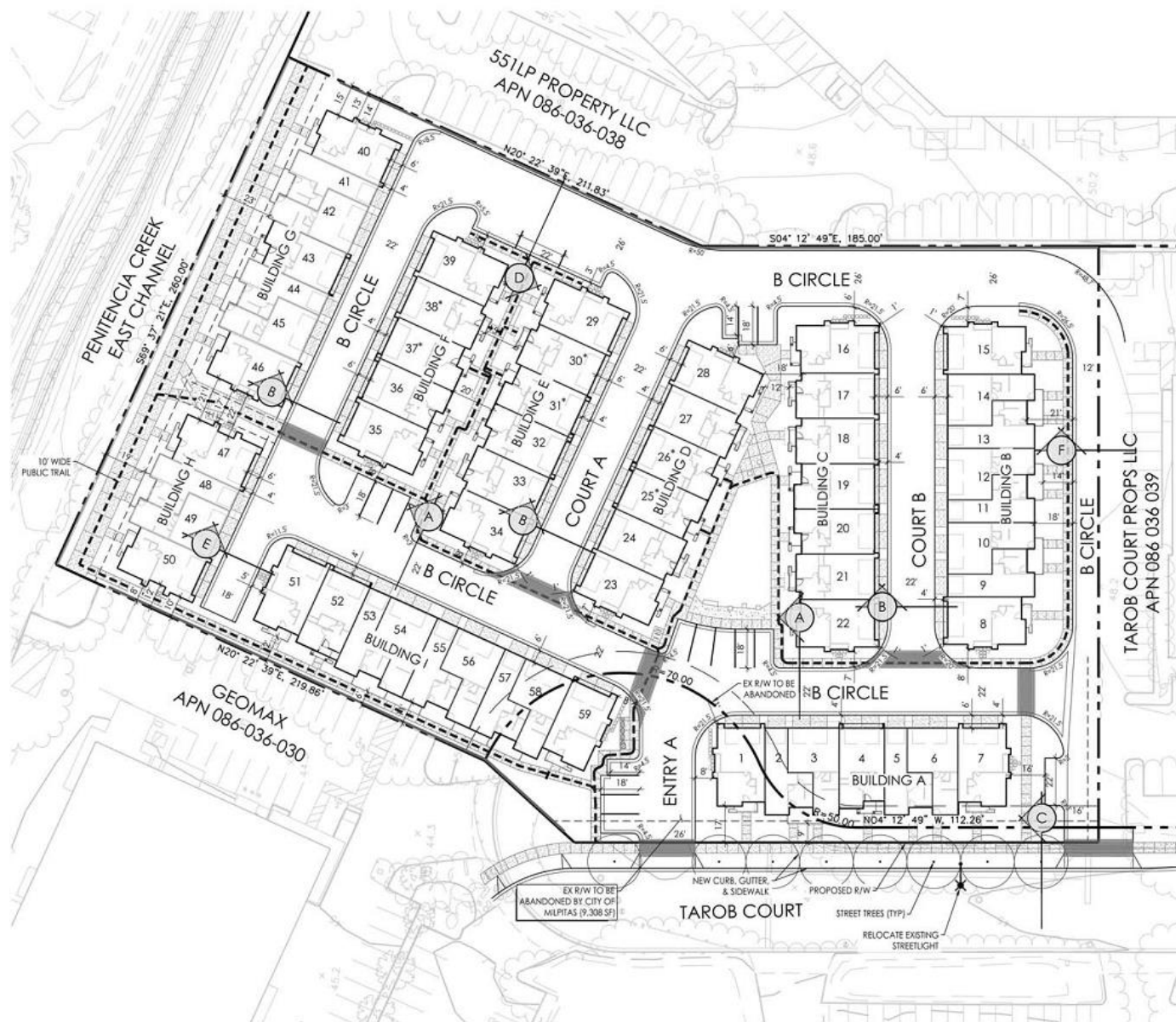


Project Location and Regional Vicinity Map

Map 2
Transit Area Specific Plan
Trade Zone/Montague Sub district



Map 3
Site Plan



NOTE:
ALL DIMENSIONS TO FACE OF CURB UNLESS NOTED
OTHERWISE.

ACCESSIBILITY NOTES

* DENOTES ACCESSIBLE UNIT

--- DENOTES ACCESSIBLE ROUTE OF TRAVEL

BACKGROUND

History

On June 3, 2008, the City Council adopted the Transit Area Specific Plan (TASP). The Plan encompasses 437 acres and envisions the development of 7,109 dwelling units, 287,075 square feet of retail space, 993,843 square feet of office and industrial park space, and 350 hotel rooms. The plan includes development standards and goals and policies guiding development within the plan area. Because of the physical characteristics of the area, including major streets, railroads and creeks, the plan also established sub-districts with specific goals and policies to accommodate those unique characteristics.

The proposed project is within the Trade Zone/Montague Sub-District of the TASP. The sub-district is located east of Montague Expressway and south of Capitol Avenue, extending to the city limits on Trade Zone Boulevard and Lundy Street. For the sub-district, the TASP envisioned an attractive residential area, with ample green space in the form of a sports field and a creekside park with trails along Penitencia Creek. Capitol Avenue and Montague Expressway are intended to be flanked by mid-rise and high-rise mixed use buildings that will buffer lower density residential uses from noise. The sub-district is also extremely convenient for transit users, as it is located directly adjacent to the BART station and VTA light rail.

The Application

The following is a summary of the applicant's request:

- *Site Development Permit:* To evaluate the site layout and architecture for the project.
- *Major Tentative Map:* To establish 59 residential condominium spaces, common areas, easements, and six subdivided parcels of land; each encompassing a building cluster.
- *Conditional Use Permit (CUP):* To allow the use of tandem and compact parking, as well as a reduction in the number of guest parking spaces, as permitted by TASP via the CUP process.
- *Environmental Assessment:* Approving the analysis of the project in accordance with the California Environmental Quality Act (CEQA).

PROJECT DESCRIPTION

Overview

The proposed project includes entitlement requests for the construction of 59 new townhome units. Parking would be provided onsite with the inclusion of two covered, attached parking spaces per unit, as well as 19 additional guest parking spaces onsite. The project also includes a variety of site improvements, including new private streets within the development; streetscape and landscape improvements along Tarob Court; Penitencia Creek trail dedication and improvements; and stormwater treatment, utility, grading and other associated site improvements.

Location and Context

The site contains 2.60 acres and is located on the east side of Tarob Court. As a part of the TASP-envisioned roadway plan for the sub-district, Tarob Court will be redesigned to residential

standards. As a result of this, a 0.21 acre portion of the Tarob Court cul-de-sac bulb is proposed to be abandoned and added to the project site, increasing the site area to 2.81 acres.

The project site is zoned Multiple Family-High Density (R3). The project site has a Transit Oriented Development (-TOD) Overlay focusing on treatment of projects near transit nodes. The site is currently occupied by an approximately 46,500 square foot vacant light industrial/office building that is proposed for demolition.

A proposed 5-acre park is envisioned by the TASP and predicated upon future private development of surrounding properties. The park would be located across Tarob Court west of the project site, and the Penitencia Creek East Channel borders the project site on the north side. In the future, Tarob Court is proposed to turn west at the existing cul-de-sac bulb and connect with Sango Court. A new residential street is proposed to connect Sango Court/Tarob Court to Capitol Avenue at the Milpitas Boulevard extension, thereby providing access across the creek to the VTA station and the BART station.

PROJECT ANALYSIS

General Plan and Zoning Conformance

General Plan Conformance

The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 1:
General Plan Consistency

Policy	Consistency Finding
<i>2.a.1-31: Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.</i>	Consistent. The project as proposed and conditioned conforms to the TASP land use plan, provides pedestrian connections, and includes streets and public spaces that support a distinctive identity for the Trade Zone / Montague sub-district.
<i>2.a.1-32: Require development in the Transit Area to conform to the adopted design guidelines and requirements contained in the Transit Area Plan.</i>	Consistent. The project as proposed and conditioned conforms to the street layout, street sections, density and land use contained in TASP.

Zoning Conformance

The site, including the requested vacated right-of-way, is 2.81 acres zoned Multiple Family - High Density-Transit Oriented Development (R3-TOD) (21 min/40 max units per acre). The project is consistent with the City's Zoning Map and Standards as set forth in the attached Resolution #16-031. Adherence to other development standards, including density, are described in the Transit Area Specific Plan section below.

Subdivision Ordinance

The project is consistent with the provisions in Title XI, Chapter 1, Section 4, Tentative Maps of the City's Municipal Code regarding the form, content and dedications of the tract map as set forth in the attached Resolution #16-031. Tentative Tract Maps require a recommendation from the Planning Commission in the form of a resolution to the City Council for their ultimate approval.

Transit Area Specific Plan

The proposed project's land use, street layout and street sections are consistent with the Transit Area Specific Plan's Trade Zone/Montague sub-district as set forth in the attached Resolution #16-031. The allowable density range for this TASP land use designation is 21-40 units/acre. At 59 units, this development falls in the lower end of this range, at 21 units/acre.

All projects in the TASP area are required to pay a Transit Area Development Impact Fee (TASP Fee), which is currently set at \$32,781/residential unit. The project is proposing development of 59 units, which would generate \$1,934,079 in required TASP fees.

Development Standards

The table below demonstrates how the project is consistent with the development standards of the Multiple Family High Density (R3-TOD) zoning district.

Table 2:
Summary of Development Standards

R-3-TOD	Standard	Proposed	Complies?
Setbacks (Minimum)			
Front	8'-15'	8'-15'	Yes
Side and Rear	15'	15' to 40' (varies)	Yes
Density (Units/Acre)	21-40 du/ac	21.0 du/ac	Yes
Building Height	75'	38'-5"±	Yes

Parks and Open Space

TASP requires all new development to provide 3.5 acres of parkland for every 1,000 persons or payment of fees-in-lieu, as permitted by Article 3, Section 66477 of the Subdivision Map Act (also known as the Quimby Act) and as codified by the City of Milpitas at Milpitas Municipal Code Section XI-1-9 (*Improvements: Dedication of Land or Payment of Fee or Both, for*

Recreational Purposes). Based on the proposal of 59 units at the site, the project is required to dedicate 0.52 acres of parkland, equivalent to approximately \$1.42 M (\$1,421,798).

Additionally, as mentioned above, all projects in the TASP area are required to pay a Transit Area Development Impact Fee (TASP Fee), a portion of which is used for park and recreation purposes within the TASP area. The park portion of the TASP fee for this project is valued at \$864,808, equivalent to 0.32 acres of parkland, and will be applied to the project's \$1.42M parkland requirement.

Finally, the applicant is dedicating 0.12 acres of public parkland on-site, valued at \$334,541, meeting their requirement under TASP Policy 3.57, whereby all properties along the trail network are to set aside land for the trails. Upon receipt of detailed private recreation plans and at the discretion of the City, the project will also receive credit for up to 0.07 acres of private recreation space on site, as is allowed by MMC Section XI-1-9 referenced above. This acreage is valued at \$223,027.

Through the means discussed above, the project meets the required parkland requirements. Table 3 outlines this information in a visual format.

Table 3:
Summary of Adherence to Parkland Requirements

1980 Tarob Court Unit Count	59
1980 Tarob Court Population Estimate	147 persons
TASP Parkland Requirement	3.5 acres/1,000 people or equivalent fees-in-lieu
PARKLAND ACREAGE DUE/FEE EQUIVALENT	0.51 acres/\$1,421,798
Amount Satisfied Through TASP Fees (Acreage/Dollars)	0.32 acres/\$864,230
REMAINING DELTA TO BE SATISFIED (Acreage/Dollars)	0.19 acres/\$557,568
Public Parkland Acreage to be Dedicated on Final Map	0.12 acres/\$334,541
Private Recreation Acreage Approved by City	0.07 acres/\$223,027
TOTAL ACREAGE/FEES PROVIDED	0.19 acres/\$557,568
REMAINING ACREAGE/FEE REQUIREMENT TO BE MET	\$0
BALANCE OF PARKLAND ACREAGE/FEES DUE	\$0

Site & Architectural Design

The Site Development Permit considers the site layout, compliance with various development standards and the architectural design of the buildings.

Site Layout

The project site is accessible from Tarob Court, an existing cul-de-sac that runs northwest from its intersection with Lundy Street. TASP envisions a reconfiguration of this street network, and a 0.21 acre portion of the cul-de-sac bulb adjacent to the 1980 Tarob Court site is proposed to be abandoned and added to the project site. In the future, Tarob Court is proposed to turn west at the existing cul-de-sac bulb and connect with Sango Court. That street extension would occur as part of the development of the property to the west of 1980 Tarob Court and the 5-acre park. Interior private loop streets provide access to the residential units within the project.

Street Setbacks

TASP includes specific design criteria for existing and new streets within the development, which include the width of the street, width of sidewalks, parking lane dimensions, street trees, landscaping and minimum setbacks to the buildings from the back of the sidewalk or curb. The townhome setbacks as proposed conform to the street section dimensions set forth in the TASP.

Height

The maximum building height in the zone is 75 feet. The project proposes an approximately 38'-5" height for the townhome buildings, which conforms to the height limit.

Block Dimension

The Transit Area Specific Plan indicates a 500-foot maximum distance between publicly accessible paths of travel for a block. The maximum distance between publicly accessible paths of travel for this project would be 260 feet and therefore complies with the standard.

Architecture and Massing

The proposed architecture is a contemporary craftsman style, grounded by wide stucco columns juxtaposed against lightweight wood siding and shingled hip roofs and shed dormers. Wood-framed post-and-beam porches provide reference to Bay Area architecture and establish a human scale at the entries. From all elevations, the result is a composition of vertical massing that blends together varied roof forms, deeply recessed openings, and warm wood siding. A condition of approval requires the use of materials and architectural details to differentiate the individual units.

Density

The R3-TOD zoning district and TASP HD-TOR land use designation provide a density range of 21 to 40 dwelling units per acre (du/ac). The proposed density for the 1980 Tarob Court project is 21 du/ac, which is consistent with both the Zoning Ordinance and the TASP.

Design Guidelines

The design guidelines include both general design guidelines and specific standards to guide future development within the Transit Area. These design guidelines cover site planning,

building design and landscaping and lighting. Examples of how the project complies with the guidelines include:

- *Site Planning*
 - Buildings face streets
 - Site plan provides for attractive, comfortable and safe pedestrian environment
 - Site plan provides for adequate fire apparatus and solid waste pickup
 - Site plan recognizes and complements creek frontage
- *Building Design*
 - Complies with height, setback and zoning requirements
 - Quality architectural design
- *Landscaping*
 - Provision of interior landscaped open space and perimeter landscaping
 - Provision of street trees in accord with TASP standards
- *Lighting*
 - Direct lighting to appropriate surfaces and minimize glare onto adjacent areas
 - Designed to reinforce pedestrian character

The project conforms to the guidelines.

Landscaping & Open Space Design

Landscaping and lighting

The project provides a combination of soft and hardscape in both public and private areas. See sheets L001 and L011 of the plans for the illustrative landscape plan, plant palette, site furnishings and details

Public areas

A 0.12 acre portion of the site is proposed to be dedicated as public open space. This will be provided as a 10 foot wide public trail along the bank of Penitencia Creek along the northern boundary of the property, within a 20 foot wide recreational easement. This dedication is consistent with TASP Policy 3.41 regarding parkland dedication, Policies 3.54 and 3.47 regarding trail development along Penitencia Creek, TASP Figure 3-7 outlining trail width, and the Milpitas Bikeway Master Plan.

Private areas

Private areas include 0.19 acres containing both landscaping and hardscape. There are also 0.396 acres of other private open space and landscaping including a variety of landscape and bio-detention features. Each unit is provided with a private deck of approximately 60 or more square feet.

Trees

Per Sheet L001--*Overall Site Plan*, the applicant proposes to remove 44 existing trees on site. These trees will be replaced with 146 new trees, including two (2) *Jacaranda Mimosifolia*. Due to the TASP-required street realignment in this area and the requirement to raise the site out of the flood plain, existing trees on site cannot be retained.

Lighting

The applicant is required to submit a lighting plan, including a photometric study, with the building permit application.

Parking

Resident and Guest Parking

The proposed resident and guest parking substantially complies with the TASP standards, with a minor variation requested to the guest parking standards, outlined below. Table 3 and the supplemental text, below, demonstrates the project's compliance with the parking standards for the zoning district.

Table 3
Project Compliance with Parking

Unit Type	Number of Units	Minimum/Maximum Parking Permitted	Minimum Spaces Required	Maximum Spaces Allowed	Spaces Provided	Conforms (Y/N)
RESIDENTIAL						
3 BR (plans 1 & 2)	22	1.6/2.0 per unit	35	44	44	--
3 BR (plans 3 & 4)	17	1.6/2.0 per unit	27	34	34	
4 BR (plans 3 & 4)	20	2.6 + 1 addl. for each bedroom over 4	52	40	40	
<i>SUB-TOTAL:</i>			114	118	118	Y
Guest	--	20% of required	23	--	19	Y (via CUP)
<i>RESIDENTIAL PARKING TOTAL:</i>			137	--	137	Y (via CUP)

TASP indicates that a minimum of 114 and a maximum of 118 resident parking spaces are permitted for the project, based on bedroom count (TASP Table 5-3: *Minimum Parking Requirements*). The project is providing 118 resident spaces, meeting the minimum requirement, and falling within the allowable range.

Conditional Use Permit (CUP) Request for Reduction in Guest Parking and Approval of Compact/Tandem Spaces and Related Public/Community Benefit

Per TASP Section 5-2: *Zoning Regulations*, “Exceptions to the standards may be approved by the Planning Commission upon review of a use permit, in accordance with the requirements of Chapter 57 of the Zoning Code”. The applicant is requesting a CUP to allow for a reduction in the net amount of guest spaces as well as for the use of compact and tandem spaces. These requests are outlined in further detail, below.

Guest Parking Reduction

TASP specifies that guest parking is to be provided equal to 20% of the minimum required resident spaces. For this project 23 guest spaces are required. The project is providing 19 guest spaces, creating a shortage of four (4) guest spaces. The applicant proposes to compensate for these missing spaces by providing more than the required spaces in the garages of their three-bedroom units. These units require a total of 62 spaces, however the applicant is providing 78 spaces, a difference of 16 spaces.

Compact/Tandem Spaces

Per TASP Table 5-1: *Development Standards*, the use of tandem and compact parking may also be allowed through the approval of a CUP. Tandem parking is proposed in eleven of the units, representing 19% of the required residential parking. Three (3) of the guest spaces are proposed as compact spaces, representing 16% of the total guest spaces.

TASP Section 5-2 also requires deviations from the Plan to provide a public/community benefit to offset said deviations. As their public/community benefit the applicant has agreed to provide a payment of \$622,839 in order to offset their parking exception requests.

Bicycle Parking

For residential uses within the TASP, long-term bicycle parking is required to be provided at a rate of one space for every four housing units, exempting units with a private garage. As the project proposes entirely private garages, no separate bicycle parking is required for residents. For guests, the TASP requires short-term bicycle parking spaces equivalent to 5% of the automobile spaces required. This equates to seven (7) short-term bicycle spaces for guests. The project complies with the requirement by providing seven (7) spaces. Four (4) spaces are located adjacent to Building D, near the development entrance, and an additional three (3) are located adjacent to Building H, next to the Penitencia Creek East Trail.

Floodplain Management and Grading

The project site is located in a FEMA special flood hazard area AO (1FT), indicating an average flood depth of one foot during flooding conditions throughout the flood hazard zone. In order to remove the site from the AO flood hazard zone, the applicant proposes to import earth material and fill the site to an elevation approximately four feet above its present elevation. Retaining walls will be constructed along the north, east and west (to a point of intersection with Tarob Court) property boundaries. Slopes are proposed in front of Buildings A and B bringing the grade down to the existing elevation. Steps are proposed up from existing grade to provide access to the townhouses. This work will remove the site

from the special flood hazard area. However, the Milpitas Municipal Code also requires that the proposed development not increase the 100-year flood water surface elevation on surrounding properties by more than one foot. In order to comply with this requirement, the south end of the property will not be raised and will provide sufficient cross-section to pass the flood waters without increasing the 100-year flood water surface elevation on surrounding properties by more than one foot.

Tract Map

The project includes a Vesting Tentative Subdivision Map for Condominium Purposes to accommodate six new lots and 59 airspace condominiums. Each lot is proposed to accommodate one or two buildings, each containing from four to nine dwelling units.

Off-site Improvements

The overall development concept of the TASP includes a 5-acre park on the west side of Tarob Court across from the 1980 Tarob Court development project. TASP fees from this and other projects will be used to support development of the park. The 1980 Tarob Court development project will be responsible for reconstruction of Tarob Court, its adjacent sidewalk and curb-cuts, to residential street standards, as part of the conditions of approval.

In addition, a condition of project approval requires the project to install a recycled water supply main in Tarob Court along the project frontage to a point approximately 60 feet south of the project's south boundary. The project will install a recycled water service line for the project site with irrigation system connected to the recycle water line with an interim plan for connection to the potable water system.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Major Vesting Tentative Map (Section XI-1-20.01)

- 1. The project is consistent with the Milpitas General Plan.*

The project site has a General Plan land use designation of High Density Transit Oriented Residential. The intent of this designation is to provide high-density housing within the Trade Zone/Montague Sub district at a minimum density range of 21 units per acre, and a maximum density of 40 units per acre.

The Project is consistent with the Milpitas General Plan because the proposed Project meets the intent of the designation by providing a residential project within the district with 21.0 dwelling units per acre. Furthermore, the project is consistent with the following General Plan Guiding Principle and Implementing Policies:

- *2.a 1-31 Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.*

The proposed Project is consistent with this policy because it includes attractive three-story buildings with 59 residential units in proximity to the future Milpitas BART Station. The Project also includes significant streetscape improvements enabling and encouraging pedestrian and bicycle movement throughout the Trade Zone/Montague Sub district with connections to the BART and Light Rail transportation hubs. The project is also designed to provide an active interface with public spaces by facing townhome units toward the public park.

- *2.a 1-32 Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Specific Plan.*

The proposed Project is consistent with this policy because it has been designed per the adopted design guidelines/requirements contained in the Transit Area Specific Plan. The project meets all guidelines and requirements of the Transit Area Specific Plan, including building setbacks and height, floor area ratio and density, parking (with issuance of a Conditional Use Permit for tandem and compact spaces), open space and landscaping. It also meets the requirements for access and circulation.

2. *None of the findings set forth in Government Code Section 66474 apply to the proposed project.*

- *The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451.*

The proposed map is consistent with the Milpitas General Plan and the Transit Area Specific Plan as described in finding 1 above.

- *The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.*

The design and improvement of the proposed subdivision is consistent with Milpitas General Plan and the Transit Area Specific Plan as described in finding 1 above.

- *The site is physically suitable for the type of development.*

The site is physically suitable for the proposed residential development because it is located within walking distance of both the new BART Station and the VTA Light

Rail Station, it is across the street from the future Traverse Park and will be removed from the special flood hazard area.

- *The site is physically suitable for the proposed density of development.*

The site is physically suitable for the proposed density of development because of its proximity to transit and recreation facilities.

- *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The proposed subdivision and improvements have been evaluated for environmental effects as discussed in the LSA Associates, *California Environmental Quality Act (CEQA) Exemption Memo for the 1980 Tarob Court Project, Milpitas, California*, May 13, 2016 with a finding that no environmental impacts not already identified for the project, which is part of the City's Transit Area Specific Plan (TASP) and the TASP Final Environmental Impact Report (FEIR), would result.

- *The design of the subdivision or type of improvements is not likely to cause serious public health problems.*

As described in the CEQA Exemption Memo above, the design of the subdivision or type of improvements is not likely to cause serious public health problems.

- *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

Access easements, including Tarob Court cul-de-sac bulb, which are proposed to be modified to accommodate the design of this subdivision will not conflict with access through or use of property within the proposed subdivision.

Site Development Permit (Section XI-10-57.03(F)(1))

1. *The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The Project is consistent with this finding because the site is designed as nine separate three-story buildings, consistent with other projects within the Sub district. The design of the buildings, including the mass, scale and height of the structures, is typical of transit-oriented development and includes additional landscaping along the streets. The buildings complement other approved and pending projects in the areas, which all

contribute to a vibrant urban transit district consistent with the vision of the Transit Area Specific Plan.

2. *The project is consistent with the Milpitas Zoning Ordinance.*

The Project site is zoned R-3 (Multiple Family - High Density) with a Transit Oriented Development (TOD) Overlay. The proposed residential uses are permitted in the zoning district. The Project conforms to the zoning district and meets the intent for this type of project envisioned in this area.

The Project also conforms to the TOD Overlay by providing density of 21.0 units per acre, which is within the 21-40 units/acre range envisioned by the TOD Overlay when combined with the R-3 Zoning District. The three-story height of the buildings is also within the standards of the TOD Overlay, where up to seven stories in height is allowed.

3. *The project is consistent with the Milpitas General Plan.*

See the general plan consistency discussion set out above in support of issuing the Major Tentative Map.

4. *The project is consistent with the Transit Area Specific Plan.*

The project is consistent with this finding because the proposed project's land use and street layout are consistent with the Plan's Trade Zone-Montague sub district.

Conditional Use Permit (Section XI-10-57.04(F))

1. *The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.*

The project is consistent with this finding because the reduction in guest parking spaces and the allowance of tandem and compact parking will not be detrimental or injurious to property or improvements in the vicinity, nor to the health, safety or welfare of the general public. Rather, such parking designs allow the project type to be of an appropriate density within the TASP sub-district while promoting the TASP vision of encouraging residents and visitors to walk, bike and take transit (TASP Vision Statement, Page 1-4)

2. *The project is consistent with the Milpitas Zoning Ordinance.*

The use of tandem and compact parking is permitted by the Zoning Ordinance, subject to a Conditional Use Permit in order to analyze potential impacts to the public. Further, Per TASP Section 5-2: *Zoning Regulations*, "Exceptions to the standards may be approved by the Planning Commission upon review of a use permit, in accordance with the requirements of Chapter 57 of the Zoning Code".

3. *The project is consistent with the Milpitas General Plan.*

The reduction in guest parking spaces and the allowance of tandem and compact parking, in this instance, allows the development of this project to meet General Plan Land Use criteria because it allows the project to attain a higher density as envisioned by the General Plan Land Use Element and the Transit Area Specific Plan.

4. *The project is consistent with the Transit Area Specific Plan.*

The project is consistent with this finding because the land use, density and street designs are within the parameters set forth in the Transit Area Specific Plan (TASP). The use of tandem and compact parking is permitted by the TASP, subject to a Conditional Use Permit in order to analyze potential impacts to the public.

The TASP also requires that the following two findings be made as a part of the CUP approval process:

1. *The deviation from the Transit Area Specific Plan Standard meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development.*

Reduction of guest parking and the use of compact and tandem spaces has no negative impact on site architecture, landscaping or site planning integrity, as permitting these uses actually has the beneficial impact of creating more space on-site for open space with landscaping that would otherwise be deleted in order to create additional guest parking spaces. Permitting these revised parking standards also adheres to the TASP vision of encouraging residents and visitors to walk, bike and take transit (TASP Vision Statement, Page 1-4)

2. *The deviation from the Transit Area Specific Plan Standard allows for a public benefit not otherwise obtainable through the strict application of the Zoning Standard.*

The project is consistent with this finding because the reduction in guest parking spaces and use of tandem and compact parking, in this instance, will be offset by a contribution from the applicant of \$622,839, intended to offset their parking exception requests.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is exempt from further environmental review pursuant to Section 15168(c)(2) of the CEQA Guidelines because staff determined that the project is consistent with the certified EIR for the Transit Area Specific Plan adopted on June 3, 2008 by the City Council.

PUBLIC COMMENT/OUTREACH

Staff provided public notice of the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on July 29, 2016. Notices were sent to 1,028 owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council and is tentatively scheduled on its September 20, 2016 agenda, contingent upon the result of the public hearing before the Planning Commission.

CONCLUSION

The proposed project is substantially consistent with the Transit Area Specific Plan in terms of land use and density, and conforms to the previously-approved street layout. The product type complements the other proposed developments within the Trade Zone-Montague Sub district. The project is consistent with the minimum density requirements for the zoning districts.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close the Public Hearing
2. Adopt Resolution No. 16-031 recommending approval of Site Development Permit No. SD15-0015, Conditional Use Permit No. UP15-0020, Major Vesting Tentative Map No. MT15-0013 and Environmental Assessment EA16-0003 to the City Council, subject to the attached Conditions of Approval

ATTACHMENTS

A: Resolution 16-031/COAs

B: Project Plans

C: LSA Associates, *California Environmental Quality Act (CEQA) Exemption Memo for the 1980 Tarob Court Project, Milpitas, California*, May 13, 2016

D: LSA Associates, *Addendum Memo dated July 7, 2016*